

**FILED**

April 05, 2022

AO 91 (Rev. 11/11) Criminal Complaint

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

## UNITED STATES DISTRICT COURT

BY: Jackson  
DEPUTY

for the

WESTERN District of TEXAS

United States of America

v.

EMMANUEL ANTIONE HEMPHILL

Case No. SA-22-MJ-479

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 17, 2022 in the county of Bexar in the  
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C § 751(a)

Escape from Custody--Arrest

Penalties: Maximum 5 Years  
imprisonment; Maximum \$250,000 fine;  
Maximum 1 Year Supervisor Release;  
and \$100 mandatory special assessment

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.DAMIAN FERNANDEZ Digitally signed by DAMIAN FERNANDEZ  
Date: 2022.04.04 17:18:23 -05'00'*Complainant's signature*

Damian Fernandez, DUSM

*Printed name and title*

- ☐
- Sworn to before me and signed in my presence.
- 
- ☒
- Sworn to telephonically and signed electronically.

Date: 4/5/2022City and state: San Antonio, Texas  
*Judge's signature*  
Henry J. Bemporad, U.S. Magistrate Judge  
*Printed name and title*

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Damian Fernandez, being duly sworn, state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Deputy with the United States Marshals Service, currently assigned to the Lone Star Fugitive Task Force (LSFTF) in the San Antonio Warrants Division. I have been a DUSM for over 14 years and graduated from basic training at the Federal Law Enforcement Training Center in 2008.

2. This affidavit is based upon my personal knowledge, and upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. I have also reviewed interviews conducted by law enforcement officers of the subject. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation, and with whom your affiant has had regular contact regarding this investigation. This affidavit is also based upon information gained from interviews with cooperating civilians, whose reliability is established separately herein.

3. Based on my training, experience, and the facts as set forth in this affidavit, I believe there is probable cause that a violation of 18 U.S.C § 751(a) – Escape has been committed by EMMANUEL ANTIONE HEMPHILL.

4. Because this affidavit is submitted for the limited purpose of securing authorization for a criminal complaint and arrest warrant, I have not included each and every fact known to me

concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested warrant.

**PROBABLE CAUSE**

5. On April 18, 2012, a grand jury sitting in the San Antonio Division of the Western District of Texas returned a two-count indictment in Cause Number 5:12-cr-354-FB charging HEMPHILL with conspiracy to possess with intent to distribute cocaine, in violation of 21 U.S.C § 846, and possession with intent to distribute more than 28 grams of cocaine, in violation of 21 U.S.C §§ 841(a)(1) & (b)(1)(B).

6. After a lengthy pre-trial process, including a plea agreement that was rejected and remanded by the Fifth Circuit, HEMPHILL proceeded to trial in October 2014 in the San Antonio Division of the Western District of Texas.

7. HEMPHILL was convicted on both counts by a jury sitting before U.S. District Judge Orlando L. Garcia in the Western District of Texas on October 7, 2014, in Cause No. 5:12-cr-354-OLG.

8. On December 4, 2014, Judge Garcia imposed a sentence of 137 months imprisonment, to be followed by a term of 120 months of supervised release, on Counts One and Two of HEMPHILL's conviction.

9. On March 4, 2022, HEMPHILL was released from a BOP Federal Corrections Institution and allowed to participate in the BOP Residential Re-Entry Center (RRC) Program to complete his term of imprisonment imposed by Judge Garcia.

10. The RRC Program allows federal inmates to finish their prison sentence at a halfway house while providing a safe, structured, supervised environment, as well as employment counseling, job placement, financial management assistance, and other programs and services.



RRCs help inmates gradually rebuild their ties to the community and facilitate supervising offenders' activities during this readjustment phase. During their participation in the RRC, offenders are supposed to follow the rules and regulations imposed by the halfway house.

11. The RRC to which HEMPHILL was assigned is the Crosspoint Halfway House located at 301 Yucca St, San Antonio, TX 78203, in the Western District of Texas. If he successfully satisfied all steps of the Crosspoint RRC Program, HEMPHILL's RRC Program term at Crosspoint was set to be completed on August 16, 2022.

12. On March 17, 2022, HEMPHILL departed the Crosspoint Halfway House without the permission nor consent of Crosspoint staff. HEMPHILL departed the Crosspoint Halfway House with all of his belongings and has not returned to the facility since his departure. In response to HEMPHILL's departure, Crosspoint staff declared HEMPHILL an RRC program failure and filed a BOP Notice of Escaped Federal Prisoner/Details of Escape form with BOP that was then forwarded to the USMS. HEMPHILL's Notice of Escaped Federal Prisoner has been reviewed by your affiant.

### **CONCLUSION**

13. Based on the facts contained within this affidavit, I believe there is probable cause that EMMANUEL ANTIONE HEMPHILL knowingly and intentionally escaped from custody in the Crosspoint Summit Halfway House in San Antonio, Texas, an institutional facility in which he was lawfully confined at the direction of the Attorney General by virtue of a judgment and commitment of the United States District Court for the Western District of Texas, San Antonio Division, upon conviction in Cause Number 5:12-cr-354-OLG for with conspiracy to possess with intent to distribute cocaine, in violation of 21 U.S.C § 846, and possession with intent to distribute more than 28 grams of cocaine, in violation of 21 U.S.C §§ 841(a)(1) & (b)(1)(B), and such escape

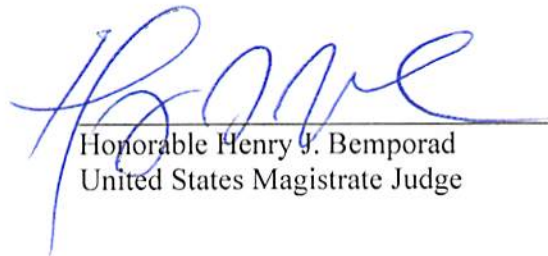
was in violation of Title 18, United States Code, Section 751(a).

DAMIAN  
FERNANDEZ

Digitally signed by  
DAMIAN FERNANDEZ  
Date: 2022.04.04  
17:18:43 -05'00'

Damian Fernandez  
Deputy U.S. Marshal  
U.S. Marshals Service

Subscribed and sworn before me this 5<sup>th</sup> day of April, 2022

  
Honorable Henry J. Bemporad  
United States Magistrate Judge